

**AMENDMENT NO. ONE (1)  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF HOLBROOK

THIS AMENDMENT, entered into 16 December 2003, Amendment Number One to JPA 99-53, AG Contract No.: KR99-0753TRN, executed and filed 16 August 1999, with the Secretary of State under No. 23467, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF HOLBROOK, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

The parties desire to amend the above-referenced Agreement to identify the responsibility of the parties as to the increase in the Project costs and to outline the timing of reimbursement for those additional costs.

**THE AGREEMENT IS AMENDED AS FOLLOWS:**

**Recital 3 is deleted and replaced with the following:**

3. The State and the City desire to design, construct, operate and maintain a new warranted traffic signal at the intersection of I-40B at Florida Street in the City, at an estimated cost of \$265,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

# 01

NO. 23467  
Filed with the Secretary of State  
Date Filed: 12/16/03

Janice K. Shewers  
Secretary of State

By: Timothy J. Haenebold

**II. SCOPE**

The following shall replace Article II.1.d:

1. The State will:

d. Upon completion of the Project, invoice the City for **\$75,000.00 in Fiscal Year (FY) 2004 and \$57,000.00 in FY 2005** for the total cost of the signal Project, **based on 50% of the total Project cost of \$265,000.00.**

The following shall replace Article II.2.b and d:

2. The City will:

b. Be responsible for fifty percent (50%) of the cost of the signal project construction cost, in an amount currently estimated at **\$265,000.00.**

d. Upon completion of the Project, and within 30 days after receipt of an invoice, pay the State **\$75,000.00 in Fiscal Year (FY) 2004 and \$57,000.00 in FY 2005** for the total cost of the signal Project, based on 50% of the total Project cost of **\$265,000.00.** Be responsible for its proportionate share of any signal Project related construction contract modifications, and for any contractor claims for extra compensation attributable to the City.

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.


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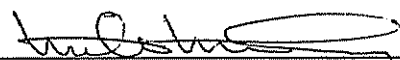
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**CITY OF HOLBROOK**

**STATE OF ARIZONA**

Department of Transportation

By   
Fern E. Larson  
City Manager

By   
MICHAEL P. MANTHEY, P.E.  
State Traffic Engineer

ATTEST

By   
CHER MILLAGE  
City Clerk

1 MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
2 AND JOINT WORK SESSION WITH CHAMBER BOARD AND MAIN STREET BOARD  
3 HELD ON OCTOBER 7, 2003  
4

5 CALL TO ORDER:

6  
7 Vice-Mayor Font called the meeting to order at 6:05 p.m.

8 ROLL CALL:

9 Vice-Mayor Jeff Font, Council members Mary Bradley, Spike Simmons, Mike DeWitt  
10 and Vince Budenholzer.

11 CITY STAFF:

12 City Manager Fern Larson, Finance Director Amber Hill, Attorney Morgan Brown and  
13 City Clerk Cher Millage.

14 GUESTS:

15 Holbrook Main Street Board Members Therese Rasheed, Pat Pogue and Buzz Canady,  
16 Holbrook Chamber of Commerce President Matthew Barger, Chamber Board Member  
17 Brad Rishel, Chamber Director Art Standiford, Arizona Department of Commerce Lisa  
18 Henderson and, State Main Street Program Director Loni Lott

19 CEREMONIALS/ANNOUNCEMENTS/PRESENTATIONS:

20 Brent Brown, Governor's Rural Liaison introduced himself to the Council. Mr. Brown is  
21 replacing Steve Besich who has decided to return to work for Gila County. Mr. Brown  
22 stated that he is the brother of Representative Jack Brown and father of City Attorney  
23 Morgan Brown. Mr. Brown stated that he hopes to be an ombudsman for Rural  
24 Arizona. Councilwoman Bradley asked if Mr. Brown would be able to spend some time  
25 with Council members and Staff regarding rural economic development issues and Mr.  
26 Brown replied that he would be happy to do so. Vice-Mayor Font thanked Mr. Brown for  
27 attending the meeting this evening.

28 NEW BUSINESS

29  
30 (Item A)

1  
2 Finance Director Hill informed Council that this item was on a previous agenda and  
3 since then and additional descriptions and qualifications have been added to the job  
4 description, which was distributed to Council at the September 23, 2003 meeting.  
5 Councilmember Bradley stated that she does not want this item fast tracked, she wants  
6 this to be done thoroughly. Councilmember Bradley stated that this item is very  
7 important to her and she feels that a grant writer will be a big asset to the community.  
8 Councilmember Bradley would like to see a breakdown on the job description between  
9 pre-award and post-award requirements and would also like it to be required that  
10 applicants have a Bachelor's Degree. Councilmember Bradley also stated that she'd  
11 like included "to develop potential relationships with Public and Private Founders."  
12 Finance Director Hill stated that every job description in the City contains must have a  
13 High School Diploma as a qualification. Councilwoman Bradley stated that she would  
14 like it taken out of description. Councilmember Simmons noted that if changes needed  
15 to be made to the job description perhaps they could be done after the meeting as the  
16 Council should probably take action on this item tonight due to the fact that there is a  
17 grant management workshop being held a week from Monday and it would be nice to  
18 have somebody on board and send to this. Councilmember DeWitt stated that he did  
19 not know how a person could be hired for this position that quick. Finance Director Hill  
20 informed the Council that she was signed up to take this class and will not be attending  
21 stating that the only thing the City will lose out on is the deposit of \$100.00.  
22 Councilmember Bradley stated that it strikes her a little bit odd that Staff is talking about  
23 sending someone to this workshop when the position has not been advertised. Finance  
24 Director Hill stated that she had acted on the urgency of two meetings ago not knowing  
25 that the Council's feelings of urgency to hire this position would change. Finance  
26 Director Hill stated if Council did not want to approve the job description tonight it was

1 fine saying lets get it done right. Councilmember Bradley replied that she did not think  
2 Council had ever said they wanted to rush the hiring process. Councilmember Stuart  
3 asked hypothetically if there was a person already in place that is ready to fulfill this  
4 position could they be hired. Vice-Mayor Font asked if the question was the person or  
5 the job description? Councilmember Bradley then queried Councilmember Simmons as  
6 to whether he had contacted other cities and towns regarding the job description of  
7 grant writer? Councilmember Simmons stated "no" he had not. Councilmember DeWitt  
8 voiced his opinion that he does not know how we can hire a qualified individual in  
9 thirteen days. Vice-Mayor Font asked Finance Director Hill if the policy on hiring has  
10 been followed? Finance Director Hill responded that the City has not advertised. Vice-  
11 Mayor Font stated that it would be a couple of weeks before someone could be hired.  
12 Finance Director Hill stated that even if Council approves this item this evening the  
13 soonest someone could be on board would be within one week if someone in-house  
14 were hired. Finance Director asked if there were any other concerns over the job  
15 description? Councilmember DeWitt stated that he felt the individual chosen for this  
16 position needs to be qualified when they walk in the door. Councilmember Bradley  
17 voiced her appreciation for all the time and effort that has been spent on this item and  
18 she agrees with Councilman DeWitt's opinion. Councilmember Bradley stated that the  
19 biggest concerns for her were education of the applicant. Vice-Mayor Font asked if the  
20 Council wanted to approve this item with the changes mentioned or hassle it some  
21 more? Councilmember DeWitt made a motion to approve the addition of a Grant  
22 Writer/Contracts Administrator to the personnel classification and compensation plan  
23 with some of the changes that have been made and he also feels that we need to look  
24 at others in that range and make sure our qualifications are sufficient. Councilmember  
25 Stuart seconded. Councilmember Bradley commented that she is not the only

Councilmember who is fervent on this issue stating that the Mayor is also. The Vice-Mayor called for the question and the motion carried unanimously.

(Item B)

Manager Larson explained that this item has been up for discussion forever. Manager Larson stated that she had met with Mr. Swan regarding the amount to budget for the City's share of the Florida Street Light. Manager Larson stated that this is the final Intergovernmental Agreement with A.D.O.T. During the budget A.D.O.T. informed Manager Larson to budget \$75,000.00 for the streetlight and \$45,000.00 for improvements to the Navajo/Hopi signal. When Manager Larson received the IGA it was \$132,000.00 the City's share of Florida streetlight. Manager Larson contacted Mr. Swan and voiced her concerns regarding the amount. Mr. Swan explained sent a letter to Manager Larson stating that the City will be responsible for its share of the Florida Street light only in this amount and will not be responsible for any of the Nava/Hopi light. This is \$12,000.00 more than what was originally budgeted for the two projects. Manager Larson went on to explain that A.D.O.T. is requesting \$75,000.00 this budget year and the remainder in FY 2004-2005. Manager Larson is requesting that the Council approve the IGA so that A.D.O.T. can go to bid for the Florida traffic signal. Councilmember Stuart questioned if the City had an IGA in place before how come we cannot hold them to the original price? Manager Larson explained that the original IGA was signed quite a while ago. Councilmember DeWitt asked if a construction date has been given? Manager Larson replied that no date has been given. Councilmember Stuart stated that the price of the streetlight doubled almost tripled. Manager Larson stated that the project has been ongoing for at least five years and inflation is driving the cost up. City Clerk Millage pointed out that the stoplight is a special light also. Councilmember Stuart asked if we could request to not have the

1 spotlight for blind people installed? Manager Larson stated that she did not think the  
2 City had a choice in the type of signal installed. Councilman Simmons made a motion to  
3 approve the IGA. Councilmember DeWitt seconded and the motion carried  
4 unanimously.

5 ADJOURNMENT OF SPECIAL MEETING:

6 There being no further business before the Council, Councilmember Simmons made a  
7 motion to adjourn the special meeting. Councilmember Budenholzer seconded and the  
8 special meeting adjourned at 6:40 p.m.

9 WORK SESSION:

10  
11 Lisa Henderson from the Arizona Department of Commerce introduced herself and  
12 Lonni Lott from the State Main Street Program. Ms. Henderson also thanked the  
13 Council for giving them the opportunity to speak before them again. Ms. Henderson  
14 stated that at the last meeting what were discussed were the thoughts in the back of  
15 everyone's heads. Ms. Henderson asked the Council if Main Street was important to  
16 them? Councilmember Stuart asked Ms. Henderson to explain to the Council why Main  
17 Street should be important to them. Ms. Henderson stated that the primary reason that  
18 Main Street is important is that it helps to revitalize the Commercial District by making it  
19 an area, which is important to the community and creates a sense of place. Ms.  
20 Henderson also feels that the Main Street area has a notoriety that is know about the  
21 world because of Route 66. Ms. Henderson went out to say that it gives the City a  
22 sense of place, helps us identify with whom we are. By revitalizing this area it will help  
23 generate new revenue for the City. Ms. Henderson asked for some of the ideas the  
24 Council may have as to what they'd like to see Main Street accomplish.  
25 Councilmember Bradley replied, "murals". Councilmember Budenholzer suggested  
26 beautifications projects and grants to organizations to complete these projects, reward


1 to the arrest and prosecution of the individual(s) that are shooting the windows out  
2 down town. Ms. Henderson asked the council where they see the Main Street function  
3 sitting, as there is no funding for the part-time position? Councilmember Simmons  
4 stated that he would like to see Main Street located at the Chamber building if a way to  
5 merge them could be found saying that the more we work together the more we can get  
6 done. Councilmember Stuart stated that she could foresee the board working directly  
7 under the Council with no middleman. Vice-Mayor Font commented that the Main  
8 Street program has not been very effective and that the Director's salary was not the  
9 real issue but rather that nothing was getting done. Vice-Mayor Font stated that he still  
10 wants the organization to succeed. Main Street Board member Pat Pogue defended  
11 Main Street stating that they have done more than sell See's candy and she does not  
12 see the organization as non-functional. Councilmember Bradley stated that she felt the  
13 Main Street Board has determination and wants to succeed. After discussion regarding  
14 the budget and how it has been used in the past Ms. Henderson recommended that a  
15 merger between the Main Street Program and the Chamber be explored. Ms.  
16 Henderson stated that if the two were to merge it would not mean that Main Street  
17 Board would have no responsibilities. They would still be functioning as a committee.  
18 Loni Lott recommended that there not be two Board of Directors. Ms. Lott stated that  
19 some changes would have to be made by the Chamber to accommodate the Main  
20 Street Board as a Committee. Ms. Henderson asked if the two groups were amenable  
21 to merging? After a positive response from both groups Ms. Henderson suggested a  
22 task force be formed to determine how the two entities could merge and define what the  
23 Chamber expects from Main Street and vise-versus. Vice-Mayor Font offered to serve  
24 on the task force along with Councilwoman Stuart, City Clerk Millage, Main Street Board  
25 members Therese Rasheed, Pat Pogue and Buzz Canady, Chamber Members



1 Matthew Barger and Brad Rishel and Chamber Director Art Standiford. The task force  
2 set a meeting date of November 5, 2003, 2:00 p.m. at Wells Fargo Bank.

3 ADJOURNMENT:

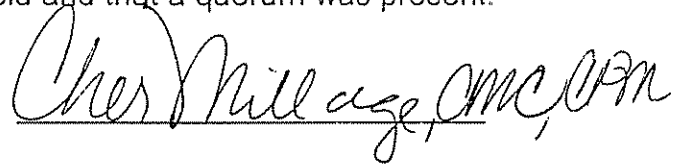
4 They're being no further business before the Council; Councilmember DeWitt made a  
5 motion to adjourn the special meeting. Councilmember Bradley seconded and the  
6 meeting adjourned at: 7:34 p.m.

7 \_\_\_\_\_

8 Bryan Smithson, Mayor

9 CERTIFICATION:

10 I hereby certify that the foregoing minutes are a true and correct copy of the minutes of  
11 the special meeting of the Holbrook City Council held on the 7th day of October 2003. I  
12 further certify that the meeting was duly called and held and that a quorum was present.


13 \_\_\_\_\_

14 Cher Millage, CMC, City Clerk  
15

APPROVAL OF THE CITY OF HOLBROOK ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF HOLBROOK and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 9<sup>th</sup> day of October, 2003

  
City Attorney



TERRY GODDARD  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TRANSPORTATION SECTION  
WRITER'S DIRECT NO: 602.542.8837

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR99-0753-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

Date: 22 August 2003

Terry Goddard  
ATTORNEY GENERAL

A handwritten signature in black ink, reading "James R. Redpath", is written over a horizontal line.

James R. Redpath  
Assistant Attorney General  
Transportation Section

JRR:djd